

July 20, 2006

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VIA MESSENGER

Federal Communications Commission  
Office of Secretary

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc., Inc.  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

Re: *Arkansas Cable Telecommunications Ass'n et al v. Entergy Arkansas, Inc.*, EB Docket  
No. 06-53, EB-05-MD-004; Responses to Initial Discovery Requests

Dear Ms. Dortch:

Enclosed for filing please find the original and three copies of each of **three** responses to the initial discovery requests of complainants. **We request that you date-stamp the additional copy of each response provided and return it with the messenger.** These include:

- Entergy Arkansas, Inc.'s Responses to Complainant Arkansas Cable Telecommunications Association's First Set of Requests for Admission
- Entergy Arkansas, Inc.'s Responses to Complainant Arkansas Cable Telecommunications Association's First Set of Document Requests
- Entergy Arkansas, Inc.'s Responses to Complainant Arkansas Cable Telecommunications Association's First Set of Interrogatories

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,



Erika E. Olsen

Enclosures

MAILED 078

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Arkansas Cable Telecommunications  
Association; Comcast of Arkansas, Inc.;  
Buford Communications I, L.P. d/b/a  
Alliance Communications Network;  
WEHCO Video, Inc.; TCA Cable  
Partners d/b/a Cox Communications,  
and Cebridge Acquisition, L.P. d/b/a  
Suddenlink Communications

Complainants,

v.

Entergy Arkansas, Inc.,

Respondent

EB Docket No. 06-53

EB-05-MD-004

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**Federal Communications Commission  
Office of Secretary**

To: Office of the Secretary

Attn: The Honorable Arthur I. Steinberg  
Administrative Law Judge

**ENTERGY ARKANSAS, INC.'S RESPONSES TO COMPLAINANT  
ARKANSAS CABLE TELECOMMUNICATIONS ASSOCIATION'S  
FIRST SET OF REQUESTS FOR ADMISSION**

Entergy Arkansas, Inc. ("EAI"), for its response to complainant Arkansas Cable  
Telecommunications Association's ("ACTA") first requests for admission, states as follows:

2.0 Complaint 013  
Use ABCDE

## **GENERAL OBJECTIONS**

EAI's responses are subject to, qualified by, and limited by the following General Objections which apply to each specific request for admission as if incorporated and set out in full in response to each.

1. EAI generally objects to each request for admission to the extent it requires EAI to provide a response based upon information not within its possession, custody, or control.

2. EAI generally objects to any request for admission that calls for a response based upon information not within its present knowledge or which seeks to require EAI to offer a narrative of its case.

3. EAI generally objects to the requests for admission to the extent that they are unreasonably cumulative or duplicative and to the extent that the information requested is already within the possession of Complainants or is otherwise obtainable from some other source that is more convenient, less burdensome, or less expensive.

4. EAI generally objects to the requests for admission to the extent that they seek discovery of information that is not relevant to any claim or defense raised by Complainants or EAI and/or where the burden or expense of the proposed discovery would outweigh any benefit to ACTA of the discovery.

5. EAI generally objects to the requests for admission to the extent that they seek discovery of pure legal conclusions or contentions without any application to specific facts. Further, to the extent that any request for admission seeks discovery of EAI's legal contentions in relation to specific facts, EAI objects to the request for admission as being premature.

6. EAI generally objects to ACTA's requests for admission to the extent that they seek information protected by the attorney-client privilege, the work product doctrine, the party communication privilege, or any other legally recognized privilege, immunity, or doctrine.

7. EAI generally objects to ACTAs' requests for admission to the extent that they seek information protected from disclosure by a third party confidentiality agreement, statute, regulation, administrative order, or case law.

8. EAI generally objects to ACTA's requests for admission insofar as they seek a response based upon confidential and/or proprietary information. EAI will respond upon entry of a protective order governing use of such information by the Administrative Law Judge.

9. EAI generally objects to any instruction, definition, interrogatory, or request to the extent it attempts to impose obligations on EAI greater than those established by the rules of the Federal Communications Commission, 47 C.F.R. §§ 1.246 and 1.311 through 1.325.

10. EAI submits these responses and will respond to ACTA's requests for admission without conceding the relevancy or materiality of the subject matter of any request for admission, and without prejudice to EAI's right to object to further discovery, or to object to the admissibility of any additional proof on the subject matter of any response, at the time of the formal hearing of this proceeding before the Administrative Law Judge. EAI reserves the right to supplement any response herein at any time and in accordance with the Administrative Law Judge's order issued April 20, 2006, FCC 06M-09.

**REQUEST FOR ADMISSION NO. 1:** Admit that Entergy does not require a Professional Engineer to certify compliance with the NESC generally, or with respect to the NESC provision governing grandfathering, on a pole-by-pole basis with respect to Entergy's own facilities.

**RESPONSE:** Objection. EAI objects to this request on the ground that it seeks admissions as to multiple matters, is overly broad, and vague. Subject to and without waiving the above general and specific objections, EAI denies Request For Admission No. 1. EAI employs professional engineers licensed in the State of Arkansas to certify on a case-by-case basis that a particular safety violation reported by USS, which is disputed by EAI and relates to its electrical facilities, was installed in conformity with a prior edition of the NESC and currently complies with that edition or a subsequent edition of the NESC in order to apply the principals of grandfathering set forth in Section 1 Paragraph 013.B. of the NESC.

**REQUEST FOR ADMISSION NO. 2:** Admit that Entergy does not require a Professional Engineer to certify compliance with the NESC generally, or with respect to the NESC provision governing grandfathering, on a pole-by-pole basis with respect to telephone companies' facilities, including but not limited to, AT&T (formerly SBC), Alltel and CenturyTel.

**RESPONSE:** Objection. EAI objects to this request on the ground that it seeks admissions as to multiple matters, is overly broad, and vague. Subject to and without waiving the above general and specific objections, EAI denies Request For Admission No. 2. EAI has advised AT&T (formerly SBC) as well as the Complainants herein that EAI would accept certification by a professional engineer licensed in the State of Arkansas and acting on their